



Slovenia

Ratified the European Convention on Human Rights in 1994

National Judge: Marko Bošnjak

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Peter Jambrek (1993-1998), Boštjan Zupančič (1998-2016) [List of judges of the Court since 1959](#)

The Court dealt with 227 applications concerning Slovenia in 2019, of which 222 were declared inadmissible or struck out. It delivered 5 judgments (concerning 5 applications), 4 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2018	2019	2020*
Applications allocated to a judicial formation	274	209	78
Communicated to the Government	15	10	1
Applications decided:	313	227	53
- Declared inadmissible or struck out (Single Judge)	288	214	50
- Declared inadmissible or struck out (Committee)	14	8	0
- Declared inadmissible or struck out (Chamber)	1	0	0
- Decided by judgment	10	5	3

* January to July 2020

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).
Statistics on interim measures can be found [here](#).

Applications pending before the court on 03/07/2020	
Total pending applications*	113
Applications pending before a judicial formation:	92
Single Judge	53
Committee (3 Judges)	18
Chamber (7 Judges)	21
Grand Chamber (17 Judges)	0

*including applications for which completed application forms have not yet been received

Slovenia and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **626** Registry staff members.

Noteworthy cases, judgments delivered

Grand Chamber

[Lekić v. Slovenia](#)

11.12.2018

The case concerned striking a company off a court register and the subsequent liability of its managing director for its debts. The strike off procedure was used against the applicant's company under new legislation introduced in 1999, which gave courts the power to strike off dormant companies without having to wind them up. It resulted in him having to pay 32,795 euros to one of the company's creditors, the Railway Company of Slovenia.

[No violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

[Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and "The former Yugoslav Republic of Macedonia"](#)

16.07.2014

Concerned the applicants' inability to recover "old" foreign-currency savings – deposited with two banks in what is now Bosnia and Herzegovina – following the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY).

The Court held:

With regard to Mr Šahdanović: unanimously, that there had been a violation of Article 1 of Protocol No. 1 (protection of property) and a violation of Article 13 (right to an effective remedy) by Serbia;

With regard to Ms Ališić and Mr Sadžak: unanimously, that there had been a violation of Article 1 of Protocol No. 1 and a violation of Article 13 by Slovenia;

With regard to the other respondent States: by a majority, that there had been no violation of Article 1 of Protocol No.1 and no violation of Article 13, and, unanimously, that there had been no violation of Article 14 taken together with Article 13 and Article 1 of Protocol No. 1.

[Kurić and others v. Slovenia](#)

26.06.2012¹

The applicants belong to a group of persons known as the "erased", who on 26 February 1992 lost their status as permanent residents following Slovenia's declaration of independence in 1991, and faced almost 20 years of extreme hardship. The number of "erased" people in 1991 amounted to 25,671.

[Violation of Article 8 \(right to respect for private and/or family life\) of the European Convention on Human Rights;](#)

[Violation of Article 13 \(right to an effective remedy\) in combination with Article 8 of the Convention, and;](#)

[Violation of Article 14 \(prohibition of discrimination\) in combination with Article 8](#)

The Court also decided to apply the pilot-judgment procedure, holding that the Government should, within one year, set up a compensation scheme for the "erased" in Slovenia. It decided it would adjourn examination of all similar applications in the meantime.

[Šilih v. Slovenia](#)

09.04.2009

Ineffectiveness of the proceedings conducted by the authorities to establish liability for the death of the applicant's son as a result of a medical error.

[Violation of Article 2 \(lack of an effective investigation\)](#)

Noteworthy cases, judgments delivered

Chamber

Cases dealing with inhuman and/or degrading treatment (Article 3)

[Boris Butolen v. Slovenia](#)

26.04.2012

¹ In the same case, by a Grand Chamber [judgment](#) of 12 March 2014 on the just satisfaction, the Court held, unanimously, that the Slovenian Government was to pay the six applicants whose rights under the European Convention on Human Rights had been violated amounts between 29,400 and 72,770 euros (EUR) each.

Mr Butolen alleged that he had been ill-treated by police officers in February 2001.

Violation of Article 3 (treatment)
Violation of Article 3 (investigation)

Mandić and Jović v. Slovenia and Štručl and others v. Slovenia

20.10.2011

Detention conditions in Ljubljana Prison, Slovenia.

Violation of Article 3 and Article 13 (right to an effective remedy) in both cases

Matko v. Slovenia

02.11.2006

Violent arrest of the applicant by the police and lack of an effective investigation.

Violation of Article 3 (treatment and investigation)

No violation of Article 6 § 1 (right to a fair hearing within a reasonable time)

Rehbock v. Slovenia

28.11.2000

The case concerned the applicant's conviction of drug offences, the conditions of his arrest and detention, the lawfulness of his detention and the monitoring of his correspondence with the European Commission of Human Rights.

Violation of Article 3

Violation of Article 5 (right to liberty and security)

Violation of Article 8 (right to respect for private and family life)

Cases regarding Article 6

Right to a fair hearing

Cimperšek v. Slovenia

30.06.2020

The case concerned the rejection by the Minister of Justice of Mr Cimperšek's application to become a court expert owing to a lack of the required personal qualities. The Minister referred to the contents of Mr Cimperšek's blog and emails he had sent to complain about the work of the Ministry.

Violation of Article 6 § 1

Gaspari v. Slovenia

21.07.2009

Constitutional appeals by the opposing party not served on the applicant.

Violation of Article 6 § 1

Right to be informed promptly of accusation/ right to an interpreter

Vizgirda v. Slovenia

28.08.2018

The case concerned the complaint of the applicant, whose native language is Lithuanian, that he had not had a fair trial after being charged with robbery because he had not understood the interpreting provided to him, which had been in Russian.

Violation of Article 6 §§ 1 and 3

Right to a fair hearing within a reasonable time

Lukenda v. Slovenia

06.10.2005

Pilot judgment concerning the excessive length of proceedings.

Violation of Article 6 § 1 and of Article 13 (right to an effective remedy) and existence of a systemic problem

Following the adoption of the *Lukenda* judgment, a law has been passed in Slovenia to remedy this systemic situation.

In the following cases the Court found violations of Article 6 § 1 on account of the length of the proceedings and of Article 13 (right to an effective remedy)

Sirc v. Slovenia

08.04.2008

Tomažič v. Slovenia

13.12.2007

Grzinčič v. Slovenia

03.05.2007

Švarc and Kavnik v. Slovenia

08.02.2007

**Cases concerning Article 7
(no punishment without law)**

Rola v. Slovenia

04.06.2019

The case concerned a liquidator's complaint that he had lost his licence to act in bankruptcy proceedings following his conviction for violent behaviour.

No violation of Article 7

Violation of Article 1 of Protocol No. 1 (protection of property)

**Private and family life cases
(Article 8)**

[Hudorovič and Others v. Slovenia](#)

10.03.2020

The case concerned complaints by the applicants, who are all Slovenian nationals of Roma origin, about an alleged lack of access to drinking water and sanitation, taking into consideration their lifestyle and minority status.

No violation of Article 8 in respect of the applicants in application no. 24816/14

No violation of Article 8 in respect of the applicants in application no. 25140/14

No violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 8

No violation of Article 3 (prohibition of torture or inhuman or degrading treatment) taken alone or in conjunction with Article 14

[Benedik v. Slovenia](#)

24.04.2018

The case concerned the Slovenian police's failure to obtain a court order to access subscriber information associated with a dynamic IP address recorded by the Swiss law-enforcement authorities during their monitoring of users of a certain file-sharing network. This led to the applicant being identified after he had shared files over the network, including child pornography.

Violation of Article 8

[Eberhard and M. v. Slovenia](#)

01.12.2009

A father was hardly able to see his daughter for more than four years because of the Slovenian authorities' inactivity.

Violation of Article 8

Freedom of expression

(Article 10)

[Cimperšek v. Slovenia](#)

30.06.2020

The case concerned the rejection by the Minister of Justice of Mr Cimperšek's application to become a court expert owing to a lack of the required personal qualities. The Minister referred to the contents of Mr Cimperšek's blog and emails he had sent to complain about the work of the Ministry.

Violation of Article 10

**Property rights
(Article 1 of Protocol No. 1)**

[Rola v. Slovenia](#)

04.06.2019

The case concerned a liquidator's complaint that he had lost his licence to act in bankruptcy proceedings following his conviction for violent behaviour.

No violation of Article 7 (no punishment without law)

Violation of Article 1 of Protocol No. 1

**Right to free elections
(Article 3 of Protocol No. 1)**

[Zevnik and Others v. Slovenia](#)

5.12.2019

The case concerned the authorities' rejection of lists submitted by a coalition party for elections in 2018 owing to the lists' lack of female candidates.

**Noteworthy cases, decisions
delivered**

[Anastasov and Others v. Slovenia](#)

17.11.2016

The 212 applicants in this case belong to a group of people known as the "erased" (*izbrisani*). Former nationals of the Socialist Federal Republic of Yugoslavia ("the SFRY") with permanent residence in Slovenia, their names were deleted from Slovenia's Register of Permanent Residents following the dissolution of the SFRY, Slovenia's declaration of independence and passing of the "independence legislation" in 1991. They thus became aliens with no legal status in Slovenia and remained so for periods ranging from seven months to more than 22 years.

In a previous pilot judgment (*Kurić and Others v. Slovenia*), of June 2012 the Court found that the Slovenian authorities had failed to regulate the issue of "erased" people and to provide them with adequate redress for the years during which they had been in a position of vulnerability and legal insecurity; it also ordered Slovenia to set up a domestic compensation scheme.

The Court was satisfied that the system introduced by the Slovenian Government (and its functioning in practice) following the *Kurić and Others* judgment offered to the remaining "erased" persons who had

regularised their legal status in Slovenia reasonable prospects of receiving compensation for the damage caused by the systemic violation of their Convention rights.

The Court decided:

- to close the pilot-judgment procedure initiated in *Kurić and Others*
- to strike the application out of its lists of cases

Kovačić and Others v. Slovenia

03.10.2008

Freezing of funds deposited by Croatian savers with a Slovenian bank prior to the dissolution of the former Yugoslavia.

Application struck out of the list (resolved at national level), but call issued to the successor States of the former Yugoslavia to proceed with negotiations on frozen savings as a matter of urgency.

Žunič v. Slovenia

18.10.2007

Excessive length of procedure.

Application declared inadmissible.

Predojević and Others v. Slovenia

07.06.2001

Group of cases concerning the retirement pensions of former members of the Yugoslav armed forces.

Complaints under Article 1 of Protocol No. 1 (protection of property) declared inadmissible.

Noteworthy pending cases

Grand Chamber

Inter-state case

Slovenia v. Croatia (no. 54155/16)

The case concerns allegations of unfairness, a lack of impartiality and discrimination by the Croatian courts in proceedings brought by a Slovenian bank, Ljubljanska banka d.d., to collect debts owed by Croatian companies.

The Slovenian Government allege multiple violations of Article 6 § 1 (right to a fair trial) of the Convention. They also allege that there have been several violations of Ljubljanska banka's rights under Article 1 of Protocol No. 1 (peaceful enjoyment of possessions) to the Convention, Article 14 (prohibition of discrimination) and Article

13 (right to an effective remedy) of the Convention.

Case [relinquished](#) to the Grand Chamber on 18 December 2018

Grand Chamber [hearing](#) on 12 June 2019

Chamber

Bijelič v. Slovenia (nos. 51282/18 and 51515/18)

Cases [communicated](#) to the Government on 3 April 2019

The case concerns civil proceedings in which the applicants sought compensation for the alleged medical malpractice to which their son X, who died in April 2004 as a result of malignant melanoma, had allegedly fallen victim.

The applicants rely on Articles 2 (right to life) and 6 (right to a fair trial) of the Convention.

Pintar v. Slovenia (no. 49969/14) and 7 other applications

Case [communicated](#) to the Government on 18 October 2018

The case concerns emergency measures by the Bank of Slovenia, the central bank, against several banks, in which the applicants held either shares or subordinated bonds. The Central Bank's decrees implementing the emergency measures led to the applicants' shares or bonds being cancelled without any compensation. Most of the applicants were not directly informed of these measures.

On 19 October 2016 the Constitutional Court of Slovenia reviewed the legislation in question, finding that the legal framework regarding the civil proceedings in which the holders of the cancelled bonds and shares could claim compensation did not sufficiently safeguard their interests.

The Constitutional Court ordered the legislature to pass the necessary legislation and to suspend all pending or new proceedings on such cases pending the adoption of the new legislation.

The Constitutional Court's decision of 19 October 2016 has not yet been implemented.

The applicants complain under Article 1 of Protocol No. 1 (protection of property) to the Convention and Article 13 (right to an effective remedy) of the Convention.

**Ahac and Others v. Slovenia
(no. 80531/12)**

Case [communicated](#) to the Slovenian
Government on 31 May 2017

The application concerns measures taken
by the Government's Securities Market
Agency ("the Agency") against mutual
investment funds operated by [the](#) company

Proficia Dadas d.o.o. resulting in a loss of
value of shares owned by the applicants.
The applicants complain in particular under
Articles 6 (right to a fair trial) of the
Convention and Article 1 of Protocol No. 1
(protection of property) to the Convention.

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